WP(C) 4777/2007
BEFORE

THE HON’BLE MR. JUSTICE RANJAN GOGOI

This Writ petition has been filed seeking interference with a departmental proceeding initiated against the petitioner by charge memo. dated 12.12.2005. The petitioner who is an Executive Engineer in the Border Roads has sought the Court’s interference primarily on the ground that the disciplinary proceeding against him, which is presently at the stage of enquiry has been prolonged by the Respondents beyond the time schedule fixed by the Central Vigilance Commission in its Office Memo dated 23.5.2000, copy of which has been enclosed as Annexures-R1 and R2 to the Misc. Case filed in connection with the writ petition.

The Court has looked into the charges levelled against the petitioner along with the statement of allegations as well as the reply of the petitioner thereto.

Learned C.G.C., on instructions received, has submitted that all efforts to bring the departmental proceeding against the petitioner to the earliest possible conclusion are going on. To be apprised of the present position of the said proceeding, the Court has taken the assistance of Sri T.G. Manigkam, Senior Administrative Officer, Regional Legal Cell (ES), Guwahati, who has explained to the Court the present position of the departmental proceeding against the petitioner.

The Office Memorandum issued by the Central Vigilance Commission laying down the time schedule of the different stages of a departmental proceeding cannot be understood by the Court to be laying down any law to the effect that if departure therefrom is occasioned, such departure by itself would vitiate the departmental proceeding. At best, the Office Memorandum issued by the Central Vigilance Commission can be understood by the Court as an attempt/endeavour to impress upon all concerned that departmental proceeding against officers and personnel of the Central Government Organizations should not be kept pending and that all attempts must be made to bring such proceeding to the earliest possible conclusion.

In the present case, the Court has considered the nature of the charges against the petitioner and the present position of the departmental proceeding, which this Court understands to be at a fairly advanced stage. . In such circumstances, the Court is of the view that the just, proper and equitable order would be to direct the Respondents to conclude the departmental proceeding against the petitioner within an outer limit of 3(three) months from date of receipt of a copy of this order or a certified copy thereof.

This will dispose of the writ petition.